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NOV 03 2007
U.S. DISTRICT JUDGE
S.D.N.Y.

HB

HAGENS BERMAN
SOBOL SHAPIRO LLP

November 1, 2007

Via Facsimile

The Honorable Harold Baer, Jr.
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 2230
New York, NY 10007

Re: Health Insurance Plan of NY v. Aventis Pharmaceuticals, Inc., 07-CV-06785-HB

Dear Judge Baer:

On October 22, 2007 Defendants in the above-referenced matter filed a motion to dismiss. Defendant's motion raises certain jurisdictional and standing issues as well as issues related to the ability of Plaintiff Health Insurance Plan of New York ("HIPNY") to bring suit under the consumer protection statutes of various states. After review of the motion, HIPNY believes that an amendment of their current complaint would significantly narrow the issues presented to the Court for decision. Accordingly, pursuant to this Court's individual practice 4.A.i, we are informing the Court of Plaintiffs intention to amend their complaint. Plaintiffs intend to file an amended complaint by November 8, 2007.

HIPNY's opposition to the motion to dismiss is currently due on November 7, 2007. Because we believe that the amended complaint HIPNY intends to file will significantly narrow the issues presented, we would ~~request leave of Court to negotiate a revised schedule for briefing~~ with regard to our amended complaint with defense counsel, thus alleviating the necessity for a response to the current motion to dismiss. HIPNY has informed defense counsel of their intention to amend the complaint and have proposed a briefing schedule for defendant's consideration. Defense counsel are currently considering Plaintiff's proposal.

In compliance with this Court's individual practice 1.E. regarding requests for adjournments, I have enclosed a copy of the docket report in the above-referenced matter.

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Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Edward Notargiacomo

Edward Notargiacomo

cc: Peter St. Phillip
Mark M. Sandmann
Christopher R. Farrell
Julia E. McEvoy

We have a PTC on
Wednesday lets resolve
this at that time but that I
mean reach an accord - not
too far out - with your advisory
before you come here

SO ORDERED:

Harold Baer, Jr.
Harold Baer, Jr., U.S.D.J.

Date: 11/5/07

Endorsement:

We have a PTC on Wednesday let's resolve this at that time by that I mean reach an accord - not too far out - with your adversary before you come by.